

ZONING AND ADJUSTMENT BOARD

February 16, 2004

The Zoning and Adjustment Board of Sumter County, Florida convened on Monday, February 16, 2004, at 6:35 P.M. with the following Board members present: Chairman Larry Story, Frank Topping, Rodney Caruthers, Dave Pierazek, Rusty Mask, Evan Merritt, Mark Caruthers, and Todd Brown. Board members Lamar Parker, Dossie Singleton, Richard Bradley, and Dale Nichols were absent. Terry Neal, Zoning and Adjustment Board Attorney, Aimee Webb, Board Secretary, and Roberta Rogers, Director of Planning and Development, were present.

The Board members led everyone in the pledge and prayer.

Mr. Story presented the proof of publication.

Mr. Brown made a motion to approve the minutes from the February 2, 2004 ZAB meeting. Mr. Merritt seconded the motion. Mr. Rodney Caruthers requested a correction to the minutes for case T2004-0006 to reflect his vote for opposition instead of Mr. Bradley. The motion then carried.

Mr. Brown made a motion to remove cases S2004-0003 and R2004-0016 from the table. A letter requesting cases S2004-0003 and R2004-0016 be tabled until the March 1, 2004 ZAB meeting was submitted by the applicants prior to the meeting. Mr. Brown made a motion to table the cases as requested by the applicant. Mr. Merritt seconded the motion and the motion carried.

Mr. Bradley arrived during the above discussion. However, he did not vote on the requested action.

R2004-0012

Eva & Gerald Bartlett

Mr. Topping made a motion to remove the case from the table. Mr. Merritt seconded the motion and the motion carried. Mr. Bartlett was present and requested a rezoning from A5 to RR1C on five acres MOL for a lineal transfer. There were six notices sent. Of the six notices sent, one was received in favor and five in objection. The letters of objection were read into the record. Deloris Fortnash and Janie Halsey were present and requested to speak in opposition of the rezoning request. Mrs. Webb informed the Board the deeds had been transferred properly and recorded.

The opposition stated they were against the request because Mr. Bartlett was using the property for a storage yard and was a code case due to trash. Mr. Merritt made a motion to approve the requested rezoning to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Mark Caruthers seconded the motion and the motion carried with Mr. Brown voting in opposition.

T2004-0004

Jerry & Shawn Green

Mr. Bradley made a motion to remove the case from the table. Mr. Brown seconded the motion and the motion carried. Shawn Green was present and requested a three year Temporary Use Permit to allow a mobile home for a care receiver's residence. There were six notices sent. Of the six notices sent, two were received in favor and none in objection. There were no objections from the audience. There were no further questions or discussion from the Board. Mr. Topping made a motion to approve the requested Temporary Use Permit based on the information provided in the staff report. Mr. Bradley seconded the motion and the motion carried.

SS2004-0001

Jason & Sabrina Ortengren

Jason and Sabrina Ortengren were present and requested a small-scale comprehensive plan amendment from Agriculture to Commercial on .75 acres MOL. There were no objections from the audience. There were no further questions or discussion from the Board. Mr. Topping made a motion to recommend approval of the requested small-scale comprehensive plan amendment to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Bradley seconded the motion and the motion carried.

R2004-0018

Jason & Sabrina Ortengren

Jason and Sabrina Ortengren were present and requested a rezoning from RR to CH on .75 acres MOL. There were five notices sent. Of the five notices sent, none were received in favor and none in objection. At the Board's request, Mr. Ortengren stated he would like to use the property for a small office. There were no further questions or discussion from the Board. Mr. Topping made a motion to recommend approval of the requested rezoning to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Bradley seconded the motion and the motion carried.

R2004-0017

Dublin Investments, LLC

John Parker and Ed Abshier, representatives for the applicant, were present and requested approval of a preliminary site plan and memorandum of agreement for Planned Industrial site development. There were twenty-five notices sent. Of the twenty-five notices sent, none were received in favor and four in objection. Cindy and George Sands were present and requesting to speak in opposition of the request. The letters of objection were read into the record.

Mrs. Rogers gave the Board background information on the memorandum of agreement and listed principal uses abutting the residential area. Mrs. Rogers stated the lights for the proposed uses were designed so as to not affect or worsen the present state of the

property, a berm was proposed on the eastern portion of the property, and all retention areas were proposed to be dry.

Mr. and Mrs. Sands had objections to the dust created by the existing concrete plant, noise, traffic, and the lights. The Board members held a discussion on how to reduce the noise and dust to the surrounding properties.

The Board amended the proposed memorandum of agreement and proposed principal uses for the area. The proposed principal uses within the development, derived from the current Sumter County Development Code, are as follows:

1. 3.410 Business and professional services
2. 3.411 Attorney, accountant's or stockbroker's office, professional consultant's office, title or abstract office, engineer's, architect's or land surveyor's office, drafting/blue-printing service
3. 3.414 General offices, bookkeeping & secretarial services
4. 3.415 Newspaper office, photography studio
5. 3.416 Research & testing lab for non-hazardous materials
6. 3.420 Business & professional supplies & equipment
7. 3.421 Office supplies & equipment, business machines, print shop, book binding, data processing (all with no retail sales)
8. 3.422 Electronics & communication equipment, optical instruments (all with no retail sales)
9. 3.423 Restaurant supplies & equipment, vending machine equipment
10. 3.424 Safety equipment
11. 3.425 Medical and dental supplies & equipment, dental lab
12. 3.620 Lumber yard, building, plumbing & electrical supplies, cabinet & carpentry shop, awning shop, sheet metal shop, sign shop, furniture refinishing
13. 3.630 Electric & gas appliance dealer, appliance repair, refrigeration equipment dealer, furnace & heating equipment dealer
14. 3.640 Fire alarm & security systems dealer, locksmith shop, sharpening & grinding service
15. 3.650 Pest control service, swimming pool equipment, supplies/service
16. 3.690 Storage building sales, headstone sales
17. 3.720 Equipment and machinery sales & service
18. 3.721 Small equipment rental & repairs
19. 3.722 Farm/ranch/grower equipment sales & service
20. 3.723 Industrial equipment, heavy machinery & equipment
21. 3.724 Construction & road building equipment, pumps
22. 3.725 Welding equipment & supplies, welding shop
23. 3.726 Electric motor & gas engine repair (all performed w/in completely enclosed structure)
24. 3.810 Distribution
25. 3.811 Regional distribution center
26. 3.820 Warehousing & storage
27. 4.110 Where all such activities, including storage and work area, are

- conducted and located entirely within fully enclosed buildings, with the exception of direct loading/unloading between buildings and vehicles
28. 4.120 Where a part of such activities, including storage and work areas, is conducted and located outside of fully enclosed buildings, but more than a distance of 300' from a parcel zoned residential or rural residential
 29. 4.210 Where all such activities, including storage and work areas, are conducted and located entirely within fully enclosed buildings, with the exception of direct loading/unloading between buildings and vehicles
 30. 4.220 Where a part of such activities, including storage and work area, are conducted and located outside of fully enclosed buildings, but more than a distance of 300' from a parcel zoned residential or rural residential

Mr. Mark Caruthers made a motion to approve the memorandum of agreement with the amended principal uses and the preliminary site plan to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Bradley seconded the motion. Mr. Caruthers amended his motion to include the above motion and a four-foot berm with Type "A" screening located around the perimeter of the property contiguous to the residential property. Mr. Bradley seconded the amended motion and the amended motion carried.

Public Forum

Mrs. Neal submitted a Revocation of Final Order for a special use permit for a telecommunications tower S003-0002 as the applicants requested the approval be withdrawn. Mr. Topping made a motion to execute the document. Mr. Merritt seconded the motion and the motion carried with Mr. Mark Caruthers declaring a conflict of interest.

Mr. Merritt made a motion to adjourn. Mr. Brown seconded the motion and the motion carried.

The meeting adjourned at 8:30 p.m.

Larry Story, Chairman
Zoning and Adjustment Board